

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

BY-LAW NO. 2003-26

**BEING A BY-LAW TO AMEND BY-LAW 97-36 OF
THE TOWNSHIP OF CHAPLEAU**

WHEREAS authority is granted under Sections 11(1), 103, 104 and 105 of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended;

AND WHEREAS the Council of the Township of Chapleau deems it necessary and expedient to amend By-law 97-36 with respect to the keeping, regulating and banning of certain vicious breeds of dogs;

NOW THEREFORE, the Council of the Township of Chapleau enacts as follows:

1. That Section 1 of By-law 97-36 be amended by adding the following:
 - a) “Dangerous Dog” means a dog that has been the subject of a Notice of Caution;
 - b) “Vicious Breed” means a dog belonging to the breed of American Pitbull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, Rottweiler and Mastiff;
2. That By-law 97-36 be further amended by inserting the following:
 - 2.2 a) No person shall acquire as of November 30, 2003 any dog which is a Vicious Breed;
 - b) Any dog that is of a Vicious Breed and was acquired on or after November 30, 2003 is not eligible to obtain a license pursuant to this By-law;
 - c) All dogs of a Vicious Breed and which were acquired on or before November 30, 2003 shall comply with the following provisions in order to be eligible to be licensed:
 - i) All dogs of a Vicious Breed when on private property shall be confined within a fully enclosed (top, bottom and sides) locked kennel capable of confining the animal;
 - ii) A dog of a Vicious Breed is not permitted to be on the private property of any person other than its owner;
 - iii) All dogs of a Vicious Breed must be neutered or spayed with a certificate signed by the attending veterinarian submitted to the Corporation of the Township of Chapleau at the time licensing is sought;
 - iv) No dog of a Vicious Breed shall be bred;
 - v) Dogs of a Vicious Breed are not permitted to be transported in open vehicles, and must be muzzled and leashed at all times while being transported;
 - vi) The owner of a dog of a Vicious Breed must post a sign, approved by the Corporation of the Township of Chapleau in its absolute discretion, warning of the existence of the dog.

vii) All dogs of a vicious breed shall be muzzled and on a leash while on public property.

3. That By-law 97-36 is further amended by adding to the table of offences the following:

ITEMS	COLUMN 1	COLUMN 2	COLUMN 3 (SET FINE)
11	Failure to adhere to Vicious Breed Provisions	Sections 1 and 2.2	\$700.00
12	Failure to adhere to Dangerous Dog Provisions	Sections 1 and 5.1 through 5.7	\$700.00

4. That By-law 97-36 Schedule [A] be amended by inserting after the Non Spayed/Non-Neutered section, the following sections:

DANGEROUS DOG	\$75.00
VICIOUS BREED	\$100.00

5. That By-Law 97-36 is further amended by inserting the following:

- 5.1 Where the Animal Control officer has reason to believe that a dog has bitten a person or domestic animal, the Animal Control Officer shall:
 - a) where the bite is the first bite on record with the Township of Chapleau, and where the bite occurred on the owners' premises, serve the owner with a Notice of Caution, a dog which is the subject of a Notice of Caution shall be considered a dangerous dog for the purpose of this By-Law;
 - c) where the bite is the second or subsequent bite on record with the Township fo Chapleau, impound the dog and, if no hearing is applied for by the owner within 10 days, humanely destroy the dog thereafter.
- 5.2 Where a dog has been determined to be a Dangerous Dog by the Animal Control Officer or has been impounded for a second or subsequent bite by the Animal Control Officer, the owner of the dog may apply for a hearing.
- 5.3 Every such application for a hearing shall be made in writing and accompanied with the application fee and delivered to the Clerk of the Township of Chapleau.
- 5.4 The application shall be heard by the Council of the Township of Chapleau, with the Mayor, or his designate, presiding at the hearing. The hearing shall be conducted in accordance with the *Statutory Powers and Procedure Act*, R.S.O. 1990, c. S.22, as amended.
- 5.5 When a hearing date before the Council has been fixed, if the applicant has been given notice of the hearing and fails to attend, the Council may proceed in his absence and the applicant will not be entitled to further notice in the proceeding.
- 5.6 At the conclusion of the hearing, Council shall render a decision setting

out:

- a) its findings of fact;
- b) its determination as to the designation of the dog in question as a Dangerous Dog;
- c) its determination as to whether the dog should be released to the owner, and any conditions relating to any release of the dog to the owner;
- d) its determination as to whether the dog should be humanely destroyed.

5.7 The owner of a Dangerous Dog shall ensure that:

- a) the dog does not bite, chase or attack a person or domestic animal on any property including that of the owner;
- b) when on the property of the owner, that the dog is tethered on a chain of a strength capable of restraining the dog, or confined within a fenced enclosure capable of preventing the escape of the dog;
- c) where on a property other than that of the owner, that the dog is securely leashed and muzzled in a manner that prevents the dog from biting, chasing or attacking a person or domestic animal and that the dog is under the control of a person of at least sixteen (16) years of age;
- d) that the Animal Control Officer is notified within five (5) days of any transfer of the dog to another property or transfer of ownership of the dog;
- e) that the owner does not contravene the terms and conditions of any Order of Council arising from any hearing conducted under this By-Law pertaining to the dog.

6. That all other provisions of By-law 97-36 shall remain in full force and effect.

7. That this By-law shall come into force and take effect on the 3rd day of November, 2003.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 3rd day of November, 2003.

Mayor

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